



POLICY 2.57

5-A I recommend the Board approve development of the proposed revised Policy 2.57, entitled “Charter Schools.”

[Contact: Contact: Peter Licata, PX 45820.]

Development

CONSENT ITEM

- The Charter Schools policy is being revised to implement changes in Florida law regarding charter schools and to set forth District practices. This includes provisions relating to virtual and high-performing charter schools.
- This policy outlines procedures for the creation, monitoring and termination of charter schools in the School District of Palm Beach County.
- The policy addresses the charter school application process and review, charter school conversion ballot process, charter contract negotiations, ongoing monitoring and administrative compliance, charter amendments, training, procedures for non-renewal or termination of charter schools, the Districts’ assistance to low performing charter schools and the District’s support to charter schools.
- Sub-paragraph 3 (e) is based on the legislative changes as stated within Fla. Stat. §1002.33 (6) (b). This provision states: “Before approving or denying any application, the sponsor shall allow the applicant, upon receipt of written notification, at least 7 calendar days to make technical or nonsubstantive corrections and clarifications, including, but not limited to, corrections of grammatical, typographical, and like errors or missing signatures, if such errors are identified by the sponsor as cause to deny the application.” This provision does not allow for substantive changes to the application.
- Sub-paragraph 3 (f) provides for an interview for applicants if the reviewers, after the initial review, have determined that the application needs non-substantive or technical clarifications and/or corrections. This provision is not required by statute but was recommended by District staff.
- As stated within sub-paragraph 3 (i) of the proposed policy, if an application, after the opportunity to cure any non-substantive or technical inadequacies, does not meet any standard or partially meets any standard, it will not be recommended for approval by the School Board.
- Paragraph 8 sets forth the procedure when the term of a charter school’s agreement will be expiring and the school will be undergoing a review by the District for renewal.

- The provisions within the policy requiring charter school representatives to appear before the School Board under certain circumstances [set forth in subparagraphs (7) (h) for monitoring, 8 (c) for renewals, and (10) (b) for assisting low performing charter schools] are not required by statute. However, Fla. Stat. §1002.33 (9) (n) & (p) require that these representatives appear **before the School Board or its staff** for schools receiving a grade of D or if the school has submitted a school improvement plan due to school grades of D for 2 consecutive years or a grade of F or because the school is on probation.

POLICY 2.57

CHARTER SCHOOLS

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3 1. **PURPOSE AND INTENT**

4 The School Board of Palm Beach County (“School Board” or “Sponsor”) shall
5 sponsor charter schools to provide educational options in accordance with Florida
6 law to improve student learning and academic achievement while providing parents
7 with flexibility to choose among diverse education opportunities within the School
8 District (“District”). The provisions within this policy shall be interpreted consistently
9 with Florida and federal laws.

10 2. **ELIGIBILITY FOR CHARTER SCHOOL APPLICATION (“APPLICATION”)**

11 The School Board shall sponsor charter schools, which serve any of these
12 grade(s): Pre-kindergarten (Exceptional Student Education Only) and from
13 kindergarten through grade 12 or as otherwise allowed by Florida law. To establish
14 a charter school, an applicant must meet the criteria within Fla. Stat. §§ 1002.33(2)
15 (a) & (b), (3), and (6) (a). In addition, applicants can apply to open virtual charter
16 schools, high-performing charter schools and blended-learning charter schools in
17 accordance with Florida law.

18 3. **APPLICATION PROCESS AND REVIEW**

19 a. Applicants: Applicants are encouraged to participate in the Florida Department
20 of Education (FLDOE) orientation webinar, if available, to review the charter
21 school application process. In order for applicants to become familiar with
22 District procedures, the District strongly encourages applicants to also attend
23 the applicant training provided by the District. Technical assistance from the
24 District is available to interested applicants prior to the August 1 deadline and
25 may be obtained by contacting the Superintendent’s designee. If the applicant
26 is a management company or other nonprofit organization, it is strongly
27 encouraged that the charter school principal and the chief financial officer or
28 his or her equivalents also participate in the training.

29 b. Application Deadline: All applications must be received in the
30 Superintendent’s designee’s office no later than 5:00 p.m. on August 1 for
31 prospective charter schools intending to start operations by the beginning of
32 the subsequent school year. All applications must be complete, containing all
33 sections of the Model Florida Charter Schools Application and any necessary
34 exhibits. All applications will be stamped with the date and time when they are
35 received by the District. Late applications will not be accepted. If August 1
36 occurs on a Saturday, Sunday, legal holiday, or other non-business day of the

37 District, the deadline for application submission shall be extended to 5:00 p.m.
38 on the next day that is not a Saturday, Sunday, legal holiday, or other non-
39 business day of the District.

40 i. Applications must be submitted on the most current DOE form IEPC-M1,
41 the Model Florida Charter Schools Application form, in compliance with
42 Florida State Board Rule of Education (SBER) 6A-6.0786(1). The Model
43 Florida Charter Schools Application can be found on the Florida
44 Department of Education's website.¹

45 c. Application Review: Applications will be separated into component sections
46 and distributed to various departments within the District or other qualified
47 individuals who will review sections on behalf of the District. Applications will
48 be evaluated using DOE form IEPC-M2, the Florida Charter School
49 Application Evaluation Instrument, as required by SBER 6A-6.0786(2). The
50 Florida Charter School Application Evaluation Instrument can be found on the
51 Florida Department of Education's website.² As per Fla. Stat. § 1002.33 (6)
52 (a) 6, the District will require an applicant to provide additional information
53 and/or documents as an addendum to the charter application, such as a
54 completed budget worksheet format. Each section of a properly submitted
55 application will be rated as "Meets the Standard," "Partially Meets the
56 Standard," or "Does Not Meet the Standard". Persons who review the sections
57 on behalf of the District shall also provide written commentary to explain the
58 rating given to each particular section if that section is rated as partially or
59 does not meet the standard. After evaluation, each reviewer shall provide to
60 the Superintendent's designee all sections of the application he/she reviewed
61 as well as completed evaluation instruments for those sections.

62 i. As part of this evaluation process using the State evaluation instrument,
63 applications for charters by the same entity in subsequent years will be
64 evaluated using criteria for approval that include an examination of that
65 entity's current charter school(s).

66 ii. This process will be used to determine whether the entity has a track
67 record of success in operating charter school(s) for the past two (2) fiscal
68 years. This review of the other charter school(s) include:

69 A. remaining in full compliance with its charter;

¹ If the State Board of Education develops in the future a new application for virtual charter and/or high performing charter schools, the District will use those documents as required.

² If the State Board of Education develops in the future a new evaluation instrument for virtual charter schools and/or high performing charter schools, the District will use those documents as required.

- 70 B. demonstrating fulfillment of the statutory purposes of charter schools;
- 71 C. for schools subject to state performance grades, maintaining a
72 performance grade of at least B or demonstrating significant annual
73 learning gains amongst the students attending.
- 74 iii. The applicant and Sponsor may mutually agree, in writing, to extend the
75 statutory timeline for the District to consider the charter application. Such
76 agreement shall detail the extension date or timeframe.
- 77 iv. If the application meets all the standards, the Superintendent will
78 recommend approval.
- 79 d. Applicant Notification and Limited Opportunity to Cure: The Superintendent's
80 designee shall in writing notify by email with read receipt requested (if email
81 address is known) and mail the applicant the results of the charter application
82 evaluation, noting which sections have been rated "Partially Meets the
83 Standard," or "Does Not Meet the Standard".
- 84 e. Within seven (7) calendar days after receipt of the District's written notice, an
85 applicant may submit in writing, per Fla. Stat. §1002.33 (6) (b), technical and
86 non-substantive corrections and clarifications, including, but not limited to,
87 corrections of grammatical, typographical, and like errors or missing
88 signatures, that relate to any deficiency noted by a reviewer on the application
89 evaluation instrument, if such errors are identified by the District as cause to
90 deny the application. Technical corrections and clarifications cannot materially
91 alter the application. Applicants may NOT submit this additional information
92 after the seven (7) calendar day period expires and the District will NOT
93 consider substantive changes.
- 94 f. Applicant Interview and Notification of Interview (if applicable)
- 95 i. After submission by the applicant of any technical and non-substantive
96 changes in response to the District's written notice, the Superintendent's
97 designee shall contact the applicant for an interview if any non-
98 substantive or technical clarifications or corrections in the application are
99 deemed needed by the Sponsor to respond to errors identified by the
100 District as cause to deny the application.
- 101 ii. Reviewers for the District, who have rated any section of a charter
102 application as "Partially Meets the Standard" or "Does Not Meet the
103 Standard" where any non-substantive or technical clarifications or
104 corrections in the application are deemed needed, shall be present during
105 the interview. Should the District reviewer be unable to attend, a
106 designee will attend. The interview will be conducted with the applicant's
107 founding board member(s). Management company representatives,

- 108 attorneys and/or consultants may attend the interview.
- 109 iii. At the interview, NO ADDITIONAL WRITTEN INFORMATION WILL BE
110 ACCEPTED FROM THE APPLICANT OR ON THE APPLICANT'S
111 BEHALF.
- 112 iv. The Sponsor will attempt to electronically record the interview but the
113 Sponsor is not required to have it transcribed.
- 114 g. Reviewer(s) on behalf of the District will evaluate deficient sections
115 considering the applicant's written non-substantive or technical
116 corrections/clarifications and interview responses. The reviewers will then
117 submit their results to the Superintendent's designee. The District will request
118 that an applicant undergoing this review agree to an extension of the statutory
119 time for application approval or denial by the School Board for at least thirty
120 (30) days.
- 121 h. Non-substantive Application Evaluation Notification: After the technical and
122 non-substantive evaluations described above in sub-paragraphs (3) (e) & (f),
123 the Superintendent's designee shall contact each applicant in writing to inform
124 it of the results of the interview and application evaluations. This written
125 notification will include the Superintendent's recommendation that will be
126 made to the School Board, as well as notice of the time and date of the School
127 Board meeting for action on the application.
- 128 i. If a charter application has received from the reviewer a rating of "Partially
129 Meets" or "Does Not Meet the Standard" in any evaluation section, after the
130 opportunity to cure as stated above, if applicable, then the overall assessment
131 of the application will warrant denial and the application will NOT be
132 recommended for approval by the Superintendent's designee or by the
133 Superintendent to the School Board.
- 134 j. Recommendations and School Board Meeting: The Superintendent's
135 designee shall report all completed application evaluations to the
136 Superintendent with a recommendation. The Superintendent shall then make
137 a recommendation to the School Board to accept or deny the application
138 based on the overall assessment as to whether any deficiency (ies) remains.
139 The recommendation shall then be placed on the School Board's agenda for
140 action.
- 141 k. In determining whether to approve or deny an application for a charter school
142 (except for a high-performing charter school or system), the School Board
143 shall consider whether the application meets the criteria set forth in Fla. Stat.
144 §1002.33, the State Board of Education approved DOE form IEPC-M2, and

145 the Florida Charter School Application Evaluation Instrument³ as required by
146 SBER 6A-6.0786(2).

147 i. The School Board shall by majority vote, approve or deny the application.
148 During the public meeting where the vote is taken, the applicant shall have the
149 opportunity to be heard by the Board if the applicant makes the appropriate
150 and timely request as required by the Board's public comment procedures or if
151 Board Members have questions to ask the applicant. The Board shall vote on
152 every application within sixty (60) calendar days of the District's receipt of the
153 application unless an extension of time is mutually agreed upon in writing or as
154 provided herein and by statute.

155 m. Notice and Appeal: Within ten (10) calendar days after the School Board's
156 decision to deny an application, the School Board shall provide written notice
157 to the applicant, per the provisions of SBER 6A-6.0781, of the specific
158 reasons, based upon good cause, for the denial of any application along with
159 supporting documentation. The letter shall also state the procedure to appeal
160 and shall be sent to the Florida Department of Education. Pursuant to Fla.
161 Stat. §1002.33(6) (c), an applicant may appeal to the Florida State Board of
162 Education a denial of the application or the School Board's failure to timely act
163 on an application pursuant to the procedure as set forth in SBER 6A-6.0781.
164 The applicant must also then file a copy of its appeal notice and supporting
165 documents with the School Board's clerk or as otherwise provided by statute
166 or rule.

167 4. **SPECIAL APPLICATION PROCEDURES FOR HIGH-PERFORMING CHARTER**
168 **SCHOOLS**

169 a. If the applicant is requesting to replicate a high-performing charter school, the
170 Sponsor shall:

171 i. request a copy of the required letter from the Commissioner of Education
172 verifying high-performing status of the school to be replicated;

173 ii. evaluate whether adequate evidence exists of substantial replication of
174 the educational program of the existing high-performing school;

175 iii. require that the applicant clearly articulate in the body of the application
176 that the proposed school is being submitted as a replication under Fla.
177 Stat. § 1002.331 (3) (a); and

178 iv. require information that substantiates that the applicant has not submitted

³ If the State Board of Education develops in the future a new evaluation instrument for virtual charter schools, the District will use that evaluation instrument as required.

179 a high-performing application to any other school district in Florida during
180 the current application cycle.

181 b. Applications submitted by a high-performing charter school are governed by
182 Fla. Stat. §§1002.33(6) and 1002.331. The application process for a charter
183 school that is defined as a High-performing charter school is determined by
184 the Commissioner of Education per the provisions of Fla. Stat. §1002.331
185 (3)(a).

186 c. In determining whether to approve or deny an application for a high-performing
187 charter school, the School Board shall consider whether the application meets
188 the criteria set forth in Fla. Stat. §1002.33 (6) (b) (3) b and any applicable
189 State Board of Education approved evaluation instrument form as required by
190 SBER 6A-6.0786(2).

191 i. Per Florida Statutes, to deny the application, the School Board would
192 need to demonstrate by clear and convincing evidence that at least one of
193 the criteria was not met.

194 ii. In the event that a high-performing application does not comply with the
195 requirements of the law, including but not limited to, the provisions related
196 to substantial replication, the application will be deemed to be a traditional
197 application and evaluated under the standard provisions of charter law.

198 5. **CHARTER SCHOOL CONVERSION BALLOT PROCESS**

199 An application proposing to convert an existing public school to a charter school
200 must demonstrate the support of teachers and parents in accordance with Fla.
201 Stat. §1002.33(3) (b) and SBER 6A-6.0787.

202 6. **CONTRACT NEGOTIATIONS, LAPSE, AND AMENDMENTS**

203 a. Pursuant to Fla. Stat. §1002.33 (6) (h): Within 60 days after approval of an
204 application by the School Board, the District will forward to the charter school
205 applicant a contract proposal that is consistent with Florida and federal laws
206 and in the format as prescribed by SBER 6A-6.0786(3) (DOE form IEPC-M3,
207 Florida Model Charter Contract Format) as an initial proposed charter.⁴ Within
208 seventy-five (75) days after receipt of the District's initial proposed charter, the
209 charter school and the District shall negotiate the terms of the charter contract
210 (based upon the District's proposed Charter) and the agreed upon contract
211 shall be noticed to the School Board for final approval. An extension of this

⁴ If the State Board of Education develops a new model charter format for virtual charter schools and/or high performing charter schools, the District will use those model formats as required to develop its model charter contract to commence negotiations.

212 time period is possible upon the agreement of the parties. If the parties do not
213 reach agreement, the Department of Education shall provide mediation
214 services and, if needed, the other procedures within Fla. Stat. §1002.33 (6) (h)
215 would apply.

216 b. An existing charter contract may be amended in writing upon mutual
217 agreement between the charter school and the School Board.⁵

218 i. The School Board reserves the right to deny any such proposed
219 amendment if the proposed amendment does not contain appropriate
220 documentation or does not conform with existing federal or State law or
221 rules or the District's model charter agreement.

222 ii. Requests for amendments involving an increase in student enrollment will
223 require, unless otherwise provided by Florida law, at minimum, updated
224 budget information and documented facility capacity to accommodate the
225 increase in student enrollment.

226 iii. Charter schools requesting the addition of grades, i.e. elementary schools
227 requesting to add middle school grades, unless otherwise provided by
228 Florida law, must submit detailed plans, including but not limited to, those
229 involving budget, facility, curriculum, transportation and food service.

230 c. Charter contract negotiations between the District and a high-performing
231 charter school and amendments to its charter are governed by Fla. Stat.
232 §§1002.33(6) & 1002.331.

233 7. **ONGOING MONITORING AND ADMINISTRATIVE COMPLIANCE**

234 a. All applicants must participate in the applicant training provided by the Florida
235 Department of Education ("DOE") pursuant to SBER 6A-6.0785 and its
236 referenced Form IEPC-TS. This training occurs after the approval of the
237 application but at least 30 days before the first day of classes at the charter
238 school. Dates for such DOE-sponsored training will be posted when available
239 on the Florida Department of Education's Charter School website. The District
240 shall provide notification of the applicant training requirement by sending
241 written or electronic notification to all approved charter school applicants for
242 the most recent application cycle. The notification shall include the Florida
243 Department of Education's Charter School website.

244 b. All charter schools shall submit to the District certificates of occupancy,
245 inspection reports, insurance premiums and other documentation listed on the
246 Opening of Schools Checklist ("Checklist") PBSD 2414 prior to or at the
247 beginning of each school year of the term of its contract. The Checklist will be

⁵ The Charter Contract may also provide that the Charter is modified by changes in the law.

248 provided to all charter schools by the Superintendent's designee and must be
249 timely completed and returned to the District. Each document must be
250 submitted by the corresponding due date on the Checklist. This Checklist is
251 incorporated herein as part of this policy and can be found on the District's
252 website at <http://www.palmbeachschools.org/forms/index.asp>.

253 c. All charter schools are subject to monitoring by the District pursuant to
254 applicable law. Visits, as deemed necessary by the District, may be made by
255 the District personnel to observe operations and to provide technical
256 assistance when applicable. A mid-year and/or end-of-year review as
257 determined by the Superintendent's designee shall be completed. The mid-
258 year and/or end-of-year reviewers will review the academic, operations,
259 governance and compliance of each charter school as well as its revenues,
260 expenditures and financial status. Monitoring will occur to determine whether
261 the school is meeting the goals and standards stated within its charter
262 contract. These reviews will monitor compliance requirements including those
263 legally mandated and those that are essential to fulfilling the District's
264 oversight responsibility. The charter schools' failure to timely submit complete
265 requisite documentation to the District may constitute good cause for non-
266 renewal or termination of the charter school's charter.

267 d. If a charter school has a substantially deficient mid-year or annual review or
268 repetitive and/or an unresolved compliance issue, a Corrective Action Plan
269 (CAP) must be jointly developed by the District and the charter school and the
270 charter school must satisfy all of the CAP compliance issues as reasonably
271 determined by the District. The District will approve, monitor, and redress said
272 corrective action plans, as well as provide technical assistance to the charter
273 school. Charter schools are also subject to expedited reviews and corrective
274 action plans under Fla. Stat. § 1002.345 and SBER 6A-1.0081.

275 e. All charter schools must submit all reports as required by Florida Statutes or
276 State Board of Education Rules, as amended from time to time, including
277 SBER 6A-1.0081, in a timely fashion. Also, all charter schools must submit
278 timely reports and/or documentation as required by the District and/or the
279 charter agreement in order for the District to perform its oversight functions.
280 Examples of these required reports and/or documents that are required to be
281 timely submitted include, but are not limited to the following: school
282 improvement plan, facility certification, annual accountability report, and
283 financial statements.

284 f. Charter schools are also required to timely and fully comply with and respond
285 to additional audit requests from the District; comply with all applicable District
286 policies and procedures that are applicable per their charter or by laws;
287 comply with the requirements for governing board meetings, and timely
288 submission of governing board meeting minutes to the Superintendent's

289 designee. Failure to comply with these requirements may constitute good
290 cause for non-renewal or termination of a charter contract.

291 g. In the event there are outstanding or existing issues impacting the operation of
292 the charter school, or when a charter is deficient in academic performance,
293 governance, or finances, or is in a financial emergency, the School Board will
294 be notified in writing by the Superintendent or designee at the time the District
295 is aware of the issue.

296 h. The director and a representative of the governing body of a charter school
297 that has significant financial, governance or academic issues shall appear
298 before the School Board at a public meeting at least once a year to present
299 information regarding the corrective strategies that are being implemented to
300 address the issues. The School Board shall communicate at the meeting, and
301 in writing to the director, the services and/or recommendations provided to the
302 school to help the school address its deficiencies.

303 8. **RENEWAL OF CHARTER CONTRACTS**

304 a. When a charter school seeks renewal of its charter, the following process shall
305 apply.

306 b. During the final year of a charter school's contract term, designated District
307 staff will conduct a program review in order to determine whether a charter
308 school meets the criteria for renewal as set forth in Fla. Stat. §1002.33(7)(a) &
309 (b) as well as compliance with the existing charter provisions.

310 c. The charter school principal and/or governing board chair will be scheduled
311 and appear before the School Board at a public meeting to answer questions
312 from the Board and address issues including:

313 i. the needs of their students and types of programs offered; and

314 ii. the kinds of interventions and strategies they have used to improve their
315 students' achievement.

316 d. If a charter school meets the criteria for a renewal charter contract and the
317 existing charter provisions, the Board shall vote whether to approve the
318 renewal.

319 e. If the Board votes to approve the renewal, the District will provide the charter
320 school a proposed charter and negotiations for a renewal charter shall then
321 commence within the timelines provided by State law. Until the State Board of
322 Education develops a format for a renewal charter contract, the District's
323 model charter will be used. If the State Board of Education develops a format
324 for a renewal charter contract, the parties shall use that format. The

325 negotiations must address the term of the renewal contract, any
326 updates/changes to the goals and objectives of the school, budget updates,
327 and any other changes based upon the current District model or State Board
328 of Education approved model charter format.

329 f. If a renewal charter agreement has not been approved by both parties and the
330 term of the current charter agreement is about to expire, District staff will
331 attempt to obtain approval from the charter school and present to the School
332 Board an amendment to the existing charter agreement for a short extension
333 of time. The extension would be until an agreement has been reached and
334 approved by the school's governing board and School Board or after the
335 statutory procedures for mediation or a hearing have been completed and the
336 renewal charter terms are determined.

337 9. **NON-RENEWAL OR TERMINATION OF CHARTERS**

338 a. The District shall adhere to Fla. Stat. §1002.33(8) and State Board of
339 Education Rules when considering the nonrenewal or termination of any
340 charter contract.

341 b. At least 90 days prior to the District's intent to non-renew or terminate a
342 charter (except for immediate terminations), the Superintendent/designee,
343 following a School Board vote, shall notify in writing the governing board of the
344 charter school. This notice shall state in reasonable detail the grounds for the
345 proposed action and inform the charter school that its governing board, within
346 14 calendar days after receiving the notice, may request a hearing by filing a
347 legally sufficient written request with the School Board's Clerk. This would
348 require a written petition or a hearing request that is legally sufficient under
349 Fla. Stat. §§120.569 (2) (c) and 120.54 (5) (b) and Fla. Admin Code R. 28-
350 106.201 and 28-106.104, filed by the charter school's governing board with the
351 Clerk of the School Board within fourteen (14) calendar days after the school's
352 receipt of the notice.

353 c. Hearings.

354 If a request or petition is filed, then the following procedures apply:

355 i. The School Board hereby delegates to its General Counsel the function of
356 ruling, prior to the submission of the case to DOAH, on any pre-hearing
357 motions such as a request for extension of time, and determining if the
358 petition or request for hearing is legally sufficient or timely.

359 ii. If the General Counsel, on behalf of the School Board, determines that
360 the petition/request for hearing is not legally sufficient or timely, the
361 School Board (through its General Counsel) may deny/dismiss the
362 petition or request for a hearing pursuant to Fla. Stat. § 120.569(c) and

363 the Uniform Rules of Procedure. A petition shall be dismissed if it is not
364 in substantial compliance with these requirements or it has been untimely
365 filed. Dismissal of a petition timely filed shall, at least once, be without
366 prejudice to petitioner's filing a timely amended petition/request for
367 hearing curing the defect, unless it conclusively appears from the face of
368 the petition/request for hearing that the defect cannot be cured. The
369 School Board (through its General Counsel) shall promptly give written
370 notice to all parties of the action taken on the petition/request for hearing,
371 shall state with particularity its reasons if it is not granted, and shall state
372 the deadline for filing an amended petition/request for hearing if
373 applicable. Any further amendments of the petition/request for hearing
374 shall follow Fla. Admin. Code R. 28-106.202.

375 iii. If the General Counsel, on behalf of the School Board, determines that
376 the petition/request for hearing is legally sufficient, he/she shall submit the
377 charter school's petition or request for a hearing to the Division of
378 Administrative Hearings (DOAH) for a hearing to be conducted by an
379 administrative law judge under DOAH.

380 iv. The hearing shall be conducted within 60 days (unless extensions are
381 mutually agreed to by the parties) after receipt of the request for a hearing
382 and in accordance with chapter 120. The procedures within Fla. Stat. §§
383 120.569 and 120.57 and relevant Uniform Rules of Procedure shall apply
384 to the pre-hearing and hearing procedures. See Chapter 28-106
385 Decisions Determining Substantial Interests.

386 v. The administrative law judge's Recommended Order shall be submitted
387 to the School Board. Once the Recommended Order is received by the
388 School Board, per Fla. Stat. §120.66, **no ex parte communication**
389 relative to the merits, threat, or offer of reward shall be made to any
390 School Board Member by any persons specified within Fla. Stat. §120.66
391 (1). If a Board Member receives an ex parte communication in violation
392 of this provision, the process set forth within Fla. Stat. §120.66 (2) will
393 apply.

394 vi. Following the entry of a Recommended Order by the administrative law
395 judge, the procedures within Fla. Stat. chapter 120 will apply as to the
396 filing of Exceptions and entry of a Final Order.

397 vii. A majority vote by the School Board shall be required to adopt or modify
398 the administrative law judge's Recommended Order. The School Board
399 shall issue a Final Order.

400 viii. The Final Order shall state the specific reasons for the School Board's
401 decision. The School Board shall provide its Final Order to the charter

402 school's governing board and the Department of Education no later than
403 10 calendar days after its issuance. The charter school's governing board
404 may, within 30 calendar days after receiving the School Board's Final
405 Order, appeal the decision pursuant to Fla. Stat. § 120.68.

406 d. Immediate Terminations of Charter Contracts

407 i. If the School Board determines to terminate a charter contract
408 immediately, upon receiving written notice thereof, the charter school's
409 governing body has ten (10) calendar days to file a petition or request for
410 hearing by filing the request with the Clerk of the School Board. The
411 petition must be legally sufficient and timely as stated within sub-
412 paragraph 9(c) above.

413 ii. The pre-hearing and hearing procedures set forth above in sub-paragraph
414 9(c) apply to hearings following immediate terminations of charters under
415 Fla. Stat. §1002.33 (8) (d). This hearing will be conducted after the
416 immediate termination occurs.

417 10. DISTRICT'S ASSISTANCE TO LOW PERFORMING CHARTER SCHOOLS

418 a. The District will provide reasonable technical assistance to low-performing
419 graded charter schools for the resolution of deficiencies pursuant to Florida
420 law. See Fla. Stat. §1002.33 (9) (n), (o) & (p). Failure by a charter school to
421 cooperate in the resolution of such performance issues may constitute good
422 cause for non-renewal or termination of a charter contract.

423 b. Per Fla. Stat. §1002.33 (9) (p), the director and a representative of the
424 governing body of a graded charter school that has submitted a school
425 improvement plan or has been placed on probation under Fla. Stat. §1002.33
426 (9) (o) shall appear before School Board at a public meeting at least once a
427 year to present information regarding the corrective strategies that are being
428 implemented by the school pursuant to the school improvement plan. The
429 School Board shall communicate at the meeting, and in writing to the director,
430 the services provided to the school to help the school address its deficiencies.

431 11. DISTRICT'S SUPPORT SERVICES TO CHARTER SCHOOLS

432 The District will provide specified administrative and educational services to charter
433 schools as provided by Florida law. See Fla. Stat. §1002.33.

434 12. INTERPRETATION

435 In the event that an existing charter school contract provision is found to be
436 inconsistent with this policy, the contract provision prevails, unless the charter
437 indicates that its terms change based on changes in the law. Any charter approved

438 after the adoption of this policy is required to be fully consistent with this policy.

439 ~~A. Pursuant to the provisions of Chapter 228, Fla. Stat., and subsequent amendments, The School~~
440 ~~Board of Palm Beach County may sponsor charter schools to:~~

441 ~~1. Improve student learning;~~

442 ~~2. Increase learning opportunities for all students, with special emphasis on expanded~~
443 ~~learning experiences for students identified as academically low achieving;~~

444 ~~3. Encourage the use of different and innovative learning methods;~~

445 ~~4. Increase choice of learning opportunities for students;~~

446 ~~5. Establish a new form of accountability for schools;~~

447 ~~6. Require the measurement of learning outcomes and create innovative measurement~~
448 ~~tools;~~

449 ~~7. Make the school the unit for improvement;~~

450 ~~8. Relieve schools of paperwork and procedures that are required by the state and the~~
451 ~~District for purposes other than health, safety, equal opportunity, fiscal accountability and~~
452 ~~documentation of student achievement;~~

453 ~~9. Create new professional opportunities for teachers.~~

454 ~~B. The School Board designates the Superintendent to receive and review all charter applications.~~
455 ~~The Superintendent shall recommend the approval or denial of each charter application within the~~
456 ~~time period provided by law. The Superintendent or designee shall work with each applicant to~~
457 ~~develop a charter contract. The Superintendent shall make recommendations to the School~~
458 ~~Board relating to charter school contracts.~~

459 ~~C. The School Board hereby adopts Florida Statutes, and Florida State Board of Education Rules~~
460 ~~relating to charter schools and in addition:~~

461 ~~1. Requirements.~~

462 ~~a. A charter school shall maintain all financial records of their accounting system~~
463 ~~with the accounts and codes prescribed in the Financial and Cost Accounting~~
464 ~~and Reporting for Florida Schools.~~

465 ~~b. The annual financial audit must be in the state required format.~~

466 ~~c. A charter school that is eligible to receive Title I funds shall submit an approved~~
467 ~~Title I Schoolwide Plan within three (3) months of becoming a designated Title I~~
468 ~~school. Failure to submit an approved plan will result in withholding of Title I~~
469 ~~funds.~~

470 ~~2. Charter School Negotiation Process~~

471 ~~There shall be no modification of any contractual provision(s) of the model charter~~
472 ~~language, unless mutually agreed by both parties in writing. Any such modification made~~
473 ~~in the charter by the applicant is grounds for termination or non-renewal of the Charter.~~

474 ~~3. Curriculum and Accountability~~

475 ~~The Superintendent or designee shall have ongoing responsibility for monitoring the~~
476 ~~health, safety and well-being of students and the fiscal responsibility of all approved~~
477 ~~charter schools. The Superintendent or designee, District Auditor, and all School Board~~
478 ~~members shall have free and open access to the charter school at all times.~~

479 ~~4. Food Services~~

480 ~~a. It is the responsibility of the charter school to provide food services per District,~~
481 ~~State and Federal rules and regulations established by the U.S. Department of~~
482 ~~Agriculture ("USDA").~~

483 ~~b. The charter school may contract with the District to provide food services. Where~~
484 ~~applicable, the charter school must provide pick-up service and personnel to~~
485 ~~distribute and account for meals according to USDA guidelines. Appropriate~~
486 ~~storage, holding, and serving equipment will be provided by charter schools, if~~
487 ~~needed. All District, State and Federal rules and regulations must be followed.~~

488 ~~5. Emergency Termination~~

489 ~~The Superintendent or designee shall have the right to immediately take action for good~~
490 ~~cause or in the event the health, safety or welfare of the students is threatened. The~~
491 ~~School Board may take further action at the next Board meeting.~~

492 ~~6. Internal Financial Controls and Audit Process~~

493 ~~a. Financial Information.~~

494 ~~In order to provide comparable financial information, charter schools shall~~
495 ~~maintain all financial records in accordance with the accounts and codes~~
496 ~~prescribed in the most recent issuance of the publication titled Financial and~~
497 ~~Program Cost Accounting and Reporting for Florida Schools. Charter schools~~
498 ~~shall provide annual financial reports and program cost report information by July~~
499 ~~31 in the state required formats for inclusion in District reporting in compliance~~
500 ~~with § 236.82(1), Fla. Stat. The financial statements are to be prepared in~~
501 ~~accordance with Generally Accepted Accounting Principles using governmental~~
502 ~~accounting, regardless of corporate structure.~~

503 ~~b. Financial Policies~~

504 ~~The charter school shall establish and implement accounting and reporting~~
505 ~~policies, procedures, and practices for maintaining complete records of all~~
506 ~~receipts and expenditures. The charter school shall provide a copy of these~~
507 ~~policies to the District by July 1, and annually thereafter.~~

508 ~~c. Monthly Reconciliation of Bank Statements~~

509 ~~Within forty-five (45) days of month end, the charter school shall provide to the~~
510 ~~District reconciliations of all bank accounts. A copy of the entire bank statement~~
511 ~~must be attached to the bank reconciliation.~~

512 ~~d. Quarterly Reports~~

513 ~~On or before October 31, January 31, and April 30 of each fiscal year, the charter~~
514 ~~school shall provide to the District all applicable financial statements including a~~

515 ~~Balance Sheet and a Statement of Revenues, Expenditures and Changes in~~
516 ~~Fund Balances. These reports must be prepared in accordance with Generally~~
517 ~~Accepted Accounting Principles using governmental accounting as stated in~~
518 ~~Section (6)(a) above.~~

519 e. ~~Annual Financial Statements~~

520 ~~Unaudited June 30 year-end financial statements shall be submitted to the~~
521 ~~District by July 31. These financial statements must be prepared in accordance~~
522 ~~with Generally Accepted Accounting Principles using governmental accounting~~
523 ~~as stated in Section (6)(a) above.~~

524 f. ~~Annual Financial Audit~~

525 ~~The charter school agrees to submit to and pay for an annual financial audit in~~
526 ~~compliance with Federal, State and School District regulations showing all~~
527 ~~revenue received, from all sources, and all expenditures for services rendered.~~
528 ~~The audit shall be conducted by an independent certified public accountant~~
529 ~~selected by the governing board of the charter school, and shall be delivered to~~
530 ~~the District within ninety (90) days following the end of the District's fiscal year.~~
531 ~~The annual contract (engagement letter) for the audit must be delivered to the~~
532 ~~District immediately upon signing. The charter school further agrees to provide~~
533 ~~the District with a copy of the management letter, as well as any responses to the~~
534 ~~auditor's findings with a corrective action plan, by October 31. The District~~
535 ~~reserves the right to perform additional audits as part of the District's financial~~
536 ~~monitoring responsibilities as it deems necessary.~~

537 g. ~~Review and Audit~~

538 ~~The District has the right to review and audit, upon request, all financial records~~
539 ~~of the charter school to ensure fiscal accountability and sound financial~~
540 ~~management pursuant to § 228.056(8)(g), F.S. The charter school further agrees~~
541 ~~to provide the District with a copy of the management letter from any audits as~~
542 ~~well as any responses to the auditor's findings with a corrective plan which shall~~
543 ~~be prepared and submitted within thirty (30) days from the date of the~~
544 ~~management letter.~~

545 h. ~~Florida Department of Education Technical Assistance~~

546 ~~If a dispute or conflict relating to any financial or compliance audit of the charter~~
547 ~~school should arise, both parties, jointly, may request in writing technical~~
548 ~~assistance from the Florida Department of Education.~~

549 i. ~~Accounting Services~~

550 ~~The charter school shall obtain the services of an accountant to assist in~~
551 ~~compiling and maintaining financial records, reconciling bank statements,~~
552 ~~preparing financial reports and obtaining an annual audit. On or before July 1 of~~
553 ~~each fiscal year, the charter school shall provide to the District a copy of the~~
554 ~~contract for such services. If the accountant is an employee of the charter school~~
555 ~~a memorandum stating that fact along with a copy of the accountant's resume~~
556 ~~shall be forwarded to the District upon hiring.~~

557 j. ~~Negative Fund Balance~~

558 ~~If a charter school is deemed to be operating at a negative fund balance, the~~
559 ~~School District may take any and all necessary steps to determine if the charter~~
560 ~~school will be allowed to continue to operate in such a manner.~~

561 ~~7. Protection of Health, Safety and/or Welfare of Students~~

562 ~~The Superintendent or designee shall have the right to take any reasonable action~~
563 ~~consistent with the Florida Statutes and the State Board of Education rules to protect the~~
564 ~~health, safety or welfare of the students.~~

565 STATUTORY AUTHORITY: Fla. Stat. §§ 1001.32(2); 1001.41 (1) & (2); 1001.42 (25)

566 LAWS IMPLEMENTED: Fla. Stat. §§ 1002.33; 1002.331; 1002.332; 1002.345

567 HISTORY: 02/05/97; 10/01/97; 10/07/98; 10/20/99; 10/25/00; __/ __ 2012

Legal Signoff:

The Legal Department has reviewed proposed Policy 2.57 and finds it legally sufficient for development by the Board.

Attorney

Date



Charter School Opening of School Checklist

Using the following checklist, submit the required documentation to the Department of Charter Schools *on or before the date listed, by no later than 4:30 p.m.*

School Year: 20__ - 20__ School Name: _____

Information/Documentation To Be Submitted	Due Date	Contact	Notes	Official Use Only
<input type="checkbox"/> **Copy of deed or lease <u>or</u> Copy of new lease or renewal (for existing schools where lease expiration date as of June 30th). <i>(as required per Charter Agreement)</i>	June 30th			
<input type="checkbox"/> **Copy of Charter School Transportation Plan: First Semester Form PBSD 2178	June 30th			
<input type="checkbox"/> **Submit Proof of General Liability Insurance: \$1,000,000 per occurrence (for existing schools where insurance has expiration date as of June 30th). <i>(as required per FS 1002.33 (7) (a) (11) and per Charter Agreement)</i>	June 30th			
<input type="checkbox"/> **Proof of Automobile Insurance \$1,000,000 with a deductible of not more than \$1,000 (for existing schools where insurance has expiration date as of June 30th). <i>(as required per FS 1002.33 (7) (a) (11) and per Charter Agreement)</i>	June 30th			
<input type="checkbox"/> **Proof of Worker's Compensation Insurance (for existing schools where insurance has expiration date as of June 30th). <i>(as required per FS 1002.33 (7) (a) (11) and per Charter Agreement)</i>	June 30th			
<input type="checkbox"/> **Submit Proof of School Leaders Errors and Omissions Liability: \$1,000,000 (for existing schools where insurance has expiration date as of June 30th). <i>(as required per FS 1002.33 (7) (a) (11) and per Charter Agreement)</i>	June 30th			
<input type="checkbox"/> **Proof of Fidelity, Dishonestly Liability: \$500,000 (for existing schools where insurance has expiration date as of June 30th). <i>(as required per FS 1002.33 (7) (a) (11) and per Charter Agreement)</i>	June 30th			

****If these items are not in compliance, the Charter School will not be allowed to open.**

**Charter School Opening of
School Checklist *continued***

School Year: 20__ - 20__

School Name: _____

Information/Documentation To Be Submitted	Due Date	Contact	Notes	Official Use Only
<input type="checkbox"/> **Submit proof of Property Insurance (for existing schools where insurance has expiration date as of June 30th). <i>(as required per FS 1002.33 (7) (a) (11) and per Charter Agreement)</i>	June 30th			
<input type="checkbox"/> Provide Contract for Accounting Services or Resume of Person Completing Accounting Functions <i>(as required per Charter Agreement)</i>	June 30th			
<input type="checkbox"/> Provide hurricane preparedness contact information	June 30th			
<input type="checkbox"/> Provide annual adopted budget <i>(as required per FS 1002.33 (6) (a) (5) through 7 (a) 10)</i>	June 30th			
<input type="checkbox"/> Provide name of persons responsible for financial and administrative management at the school <i>(as required per Charter Agreement)</i> and/or Provide copy of the contract with a management company <i>(as required by FS 1002.33 (7) (a) (9) if not on file or if expired by June 30).</i>	June 30th			
<input type="checkbox"/> Copy of Governing Board Fingerprint Documentation	Within 30-days of election			
<input type="checkbox"/> Copy of Bylaws for governing board (only if changes have been made or if you have not submitted one) <i>(as required per Charter Agreement)</i>	June 30th			
<input type="checkbox"/> Copy of IRS determination letter approving 501(c)(3) to operate a not-for-profit corporation (schools that have not submitted theirs) <i>(as required per Charter Agreement)</i>	June 30th			
<input type="checkbox"/> **Copy of Charter School Food Service Operation Plan & Food Service Agreement <i>(as required per Charter Agreement)</i>	June 30th			
<input type="checkbox"/> Charter School calendar <i>(To be consistent with School District of P.B.C. calendar)</i>	June 30th			

****If these items are not in compliance, the Charter School will not be allowed to open.**

**Charter School Opening of
School Checklist *continued***

School Year: 20 ___ - 20 ___

School Name: _____

Information/Documentation To Be Submitted	Due Date	Contact	Notes	Official Use Only
<input type="checkbox"/> **Florida fire code approval by local and district municipality with certificate (as required per FS 1002.33 (9) (e); (18) (a) (b) and per Charter Agreement)	June 30th			
<input type="checkbox"/> Copy of Health Inspection Report (as required per F.S. 1002.33 (9) (e) and per Charter Agreement)	June 30th			
<input type="checkbox"/> Copy of Occupational License or Business Tax Receipt or letter of exemption from city or county.	June 30th			
<input type="checkbox"/> **Facility Certification: Certificate of Occupancy (for new schools and/or schools in new locations) or a letter from the local government stating, "The operation of the Charter School and its facility are in compliance with all applicable regulations including Building, Fire, and Zoning Codes" is on file.	June 30th			
<input type="checkbox"/> Physical description of educational facility	June 30th			
<input type="checkbox"/> **Staff roster for verification of fingerprinting: (as required per FS 1002.33 (12) (g) and per Charter Agreement)	July 31st			
<input type="checkbox"/> <i>Bus Drivers</i>	July 31st			
<input type="checkbox"/> <i>All staff</i>	July 31st			
<input type="checkbox"/> <i>All members of the governing board/board of directors</i>	July 31st			
<input type="checkbox"/> Parental Involvement Representative appointment and approval notice (as required per FS 1002.33 (7) (d) (1))	July 31st			
<input type="checkbox"/> Provide in writing, by fax, or email the name, mailing address, and telephone number of Charter's contact person (Other than Site Administrator)	July 31st			

****If these items are not in compliance, the Charter School will not be allowed to open.**

**Charter School Opening of
School Checklist *continued***

School Year: 20__ - 20__

School Name: _____

Information/Documentation To Be Submitted	Due Date	Contact	Notes	Official Use Only
<input type="checkbox"/> Staff roster for verification of teacher certification (as required per FS 1002.33 (12) (f) (g) and per Charter Agreement) Reminder: Documentation of skilled professionals on file at school site, i.e. copy of license, letters of reference, certificates, other. Note: This information must be entered on PeopleSoft.	July 31st			
<input type="checkbox"/> Provide proof of attendance to a state-approved governing board training for all governing board members (as required per FS 1002.33 (6) (F) 2.	July 31st			
<input type="checkbox"/> Provide a copy of the Student Handbook to Parents to include the bullying policy	July 31st			
<input type="checkbox"/> Provide tentative dates for your School Governing Board meetings for the current year.	July 31st			

Signature of Principal _____

Date _____

****If these items are not in compliance, the Charter School will not be allowed to open.**